

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on February 2, 2011 at 8:00 AM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Ken Peterson, Chairman (R)
Rep. Krayton Kerns, Vice Chairman (R)
Rep. Diane Sands, Vice Chairman (D)
Rep. Liz Bangerter (R)
Rep. Robyn Driscoll (D)
Rep. Kris Hansen (R)
Rep. Bill Harris (R)
Rep. Ellie Boldman Hill (D)
Rep. Cleve J. Loney (R)
Rep. Mike Menahan (D)
Rep. Michael (Mike) More (R)
Rep. Jesse O'Hara (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Joe Read (R)
Rep. Keith Regier (R)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. David Howard (R)

Members Absent: Rep. Margaret (Margie) MacDonald (D)
Rep. Dan Skattum (R)

Staff Present: Karen Armstrong, Committee Secretary
David Niss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 174, 1/28/2011; HB 271, 1/28/2011;
HB 201, 1/28, 2011; HB 368, 1/28/2011

Executive Action: HB 67, HB 102, HB 201, HB 280

HEARING ON HB 174**Opening Statement by Sponsor:**

00:02:02 Rep. Krayton Kerns (R), HD 58, opened the hearing on HB 174, Repeal prohibition on firearm sound reduction devices in field.

00:02:14 Rep. MacDonald arrived.

Proponents' Testimony:

00:06:39 Gary Marbut, Montana Shooting Sports Association (MSSA), Western Montana Fish and Game Association

00:09:27 Doug Nulle, self

00:10:45 John Snow, self

00:14:27 Justin Marks, weapons dealer, self

00:18:44 Brian Judy, National Rifle Association (NRA)

00:21:52 Rick LePage, self

EXHIBIT(juh26a01)

00:22:54 Rep. Skattum arrived.

00:25:28 Tim Ravndal, Lewis and Clark Conservative Tea Party Group

00:25:34 Joel Boniek, self

00:26:25 Jesse Cathey, self

Opponents' Testimony:

00:27:28 Dave Risley, Fish and Wildlife Division Administrator, Department of Fish, Wildlife and Parks (FWP)

EXHIBIT(juh26a02)

00:29:23 Larry Epstein, Montana Police Protection Association (MPPA)

Informational Testimony: None**Questions from Committee Members and Responses:**

00:30:08 Rep. MacDonald

00:30:58 Rep. Harris

00:31:12 Mr. Judy, NRA

00:31:42 Rep. Skattum

00:31:58 Mr. Snow

00:32:42 Rep. Sands

00:33:04 Mr. Epstein, MPPA

00:33:36 Rep. Sands

00:33:50 Mr. Epstein

00:35:40 Rep. Hill

00:35:46 Mr. LePage

00:35:51 Rep. Warburton
00:35:55 Mr. Epstein
00:36:01 Rep. Warburton
00:36:11 Mr. LePage
00:36:19 Rep. O'Hara exited.
00:36:36 Rep. More
00:37:33 Mr. Marks
00:39:38 Rep. More
00:39:46 Mr. Marks
00:40:09 Rep. O'Hara returned.
00:41:52 Chairman Peterson
00:42:00 Mr. Marks
00:42:54 Rep. Hill
00:44:02 Mr. Snow
00:46:23 Rep. Driscoll
00:46:46 Mr. Risley, FWP
00:47:01 Rep. Menahan
00:48:01 Mr. Risley
00:48:07 Rep. Menahan
00:48:21 Rep. Howard arrived.
00:48:55 Mr. Risley
00:49:02 Rep. Menahan
00:49:31 Mr. Marbut
00:49:38 Rep. Hansen exited.
00:50:09 Rep. Menahan
00:50:53 Mr. Marbut
00:51:25 Rep. Harris
00:52:17 Mr. Marbut
00:53:19 Rep. Regier exited.
00:53:51 Chairman Peterson
00:54:03 Vice Chairman Kerns

Closing by Sponsor:

00:54:22 Vice Chairman Kerns

00:55:42 Rep. Sands assumed the chairmanship.

HEARING ON HB 271**Opening Statement by Sponsor:**

00:56:08 Rep. Krayton Kerns (R), HD 58, opened the hearing on HB 271, Exception to concealed weapon offense if eligible to apply.

00:56:30 Chairman Peterson exited.

Proponents' Testimony:

00:56:42 Gary Marbut, Montana Shooting Sports Association (MSSA) and Western Montana Fish and Game Association
00:58:53 Lincoln Dziekonski, self
00:59:19 Tim Ravndal, self

01:00:08 Doug Nulle, self
01:00:21 Joel Boniek, self
01:01:51 Brian Judy, National Rifle Association (NRA)
01:06:49 Harris Himes, self
01:07:13 Jesse Cathey, self

Opponents' Testimony:

01:08:04 Jim Smith, Montana Sheriffs and Peace Officers Association and Montana
County Attorneys' Association (MCAA)
01:11:50 Mike Batista, Department of Justice (DOJ)
01:12:59 Chairman Peterson returned.
01:14:07 Mark Murphy, Montana Police Protective Association (MPPA)
01:15:35 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

Informational Testimony: None**Questions from Committee Members and Responses:**

01:16:29 Rep. Warburton
01:16:48 Rep. Driscoll exited.
01:16:54 Mr. Batista, DOJ
01:17:08 Rep. Warburton
01:17:43 Mr. Batista
01:17:50 Rep. Harris
01:18:17 Mr. Judy, NRA
01:18:30 Rep. Warburton
01:18:56 Mr. Marbut, MSSA
01:20:05 Rep. MacDonald
01:20:45 Rep. Driscoll returned.
01:20:54 Mr. Marbut
01:20:58 Rep. Wagner arrived.
01:21:14 Rep. MacDonald
01:21:31 Mr. Batista
01:21:40 Mr. Murphy, MPPA
01:22:33 Rep. Loney
01:23:01 Mr. Marbut
01:23:38 Rep. Hill
01:24:24 Mr. Smith, MCAA
01:24:31 Rep. Hill
01:25:32 Mr. Smith

Closing by Sponsor:

01:27:19 Vice Chairman Kerns

01:28:56 Meeting recessed
01:46:03 Meeting resumed with Rep. Howard and Rep. Regier absent.

HEARING ON HB 368**Opening Statement by Sponsor:**

01:46:07 Rep. Wendy Warburton (R), HD 34, opened the hearing on HB 368, Allow keeping firearm in parked vehicle or while on employer's business.

[EXHIBIT\(juh26a03\)](#)

[EXHIBIT\(juh26a04\)](#)

[EXHIBIT\(juh26a05\)](#)

[EXHIBIT\(juh26a06\)](#)

01:47:03 Rep. Sands exited.

Proponents' Testimony:

01:58:04 Gary Marbut, Montana Shooting Sports Association (MSSA) and Western Montana Fish and Game Association

01:59:22 Rep. Pease-Lopez exited.

02:02:19 Tim Ravndal, Lewis and Clark Conservative Tea Party Group

02:03:09 Doug Nulle, self

02:04:39 Garrett Bacon, self

02:05:03 Rep. Wagner exited.

02:05:32 Lincoln Dziekonski, self

02:06:26 Rep. Sands returned.

02:06:44 Brian Judy, National Rifle Association (NRA)

02:09:36 Jesse Cathey, self

02:11:02 Rep. Regier returned.

02:11:31 Joel Boniek, self

02:16:04 Harris Himes, self

Opponents' Testimony:

02:19:24 John Bennion, Montana Chamber of Commerce

02:24:28 Brad Griffin, Executive Director, Montana Retail Association

02:26:45 Dave Galt, Executive Director, Montana Petroleum Association

02:29:58 John Fitzpatrick, Northwestern Energy

02:33:46 Bud Clinch, Executive Director, Montana Coal Council

02:35:39 Barbara Ranf, Burlington Northern Santa Fe Railway (BNSF)

02:38:22 Spook Stang, Vice President, Motor Carriers of Montana

02:39:10 Amy Grmoljez, Billings Clinic

02:40:25 Rep. O'Hara exited.

02:40:43 Rep. Pease-Lopez exited.

02:41:04 J. C. Weingartner, Montana Education Association - Montana Federation of Teachers (MEA-MFT)

02:41:29 Rep. Wagner returned

02:41:43 Rep. Pease-Lopez returned.

02:43:12 Rep. O'Hara returned.

02:45:07 John Flink, Montana Hospital Association

02:45:36 Kelsen Young, Montana Coalition for Prevention of Domestic and Sexual Violence

02:46:03 Mark Baker, Anderson, President and CEO of Montana Bankers Association

02:46:57 Clyde Dailey, Montana Credit Unions

02:47:17 Bruce Spencer, Montana Automobile Dealers' Association

Informational Testimony:

02:47:50 Mike Mahoney, Warden, Montana State Prison
on

Questions from Committee Members and Responses:

02:48:13 Rep. Kerns
02:49:15 Rep. More
02:49:39 Mr. Judy, NRA
02:50:16 Rep. More
02:50:47 Mr. Judy
02:51:30 Rep. Hill
02:53:41 Mr. Ravndal
02:54:58 Rep. Hill
02:55:10 Mr. Ravndal
02:55:26 Rep. MacDonald
02:56:34 Ms Young
02:58:26 Rep. Wagner
02:58:51 Mr. Marbut, MSSA
02:58:55 Rep. Skattum
02:59:27 Mr. Boniek
03:00:43 Rep. Harris
03:01:58 Mr. Judy

Closing by Sponsor:

03:03:59 Rep. Warburton

HEARING ON HB 201**Opening Statement by Sponsor:**

03:10:21 Rep. Wendy Warburton (R), HD 34, opened the hearing on HB 201, Allow employees to keep firearms in vehicle in workplace parking lot.

EXHIBIT(juh26a07)

03:10:31 Rep. Warburton requested that the committee table the bill.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor: None

03:12:28 Meeting recessed.
03:22:57 Meeting resumed with Rep. Sands, Rep Driscoll, Rep. Harris, Rep. Wagner and Rep. Howard absent.

EXECUTIVE ACTION ON HB 201

03:23:12 **Motion/Vote:** Rep. Kerns moved that **HB 201 BE TABLED**. Motion carried 15-0 by voice vote. Rep. Driscoll, Rep. Harris, Rep. Howard, Rep. Sands and Rep. Wagner were absent for the vote.

EXECUTIVE ACTION ON HB 67

03:24:08 **Motion/Vote:** Rep. Menahan moved that **HB 67 BE TABLED**. Motion carried 15-0 by voice vote. Rep. Driscoll, Rep. Harris, Rep. Howard, Rep. Sands and Rep. Wagner were absent for the vote.

03:24:18 Rep. Wagner returned.

EXECUTIVE ACTION ON HB 280

03:25:16 **Motion:** Rep. Kerns moved that **HB 280 DO PASS**.

03:25:28 Rep. Hansen

03:25:41 Rep. MacDonald

03:26:16 Rep. Driscoll returned.

03:27:11 Rep. Skattum

03:27:26 Rep. Harris returned.

03:28:05 Rep. Sands returned.

03:28:18 Rep. Kerns withdrew his motion.

EXECUTIVE ACTION ON HB 102

03:28:58 **Motion:** Rep. Menahan moved that **HB 102 DO PASS**.

03:28:03 Chairman Peterson

03:29:23 Rep. Pease-Lopez

03:30:11 Chairman Peterson

03:31:23 **Vote:** Motion carried unanimously by voice vote. Rep. Howard voted by proxy.

03:32:45 Chairman Peterson

03:32:56 Rep. Hansen

03:33:17 Chairman Peterson

03:33:56 Rep. Sands

03:34:05 Rep. Menahan

ADJOURNMENT

03:34:05 Adjournment:

ka

Additional Documents:

EXHIBIT([juh26aad.pdf](#))

Karen Armstrong, Secretary